DOCUMENT RESUME

ED 425 095 SO 029 372

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TITLE Three Universal Problems of Democracy at the Core of Education for Democratic Citizenship.
PUB DATE 1998-08-00
NOTE 14p.; Paper presented at the Annual Meeting of the Czech National Civic Education Conference (Olomouc, Czech Republic, August 24, 1998).
PUB TYPE Speeches/Meeting Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Citizenship; *Citizenship Education; Civics; *Democracy; *Democratic Values; Foreign Countries; Freedom
IDENTIFIERS *Czech Republic

ABSTRACT

This paper examines the democratic changes that have occurred in the Czech Republic since 1989 and identifies three universal problems a democracy must address. Those problems include: (1) the problem of limits for majority rule; (2) the problem of limits for personal liberty and the power of government; and (3) the problem of limits for positive rights. The paper describes each of the universal problems of democracy, why each is a significant factor for the education of citizens, and how each problem should be treated in education for democratic citizenship. The three problems are considered generic to democracy wherever it is practiced and citizens must manage these problems effectively if their democracy is to survive. (EH)

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THREE UNIVERSAL PROBLEMS OF DEMOCRACY AT THE CORE OF EDUCATION FOR DEMOCRATIC CITIZENSHIP

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A Paper Presented at the Annual Meeting of the Czech National Civic Education Conference in Olomouc, Czech Republic, August 24, 1998

SO 029 372

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Since the beginning of the "velvet revolution" in 1989, the Czech people have been part of an extraordinary global movement toward democracy. More than 100 countries in various parts of the world meet the minimal standard for democracy, which requires, at least, that key officials of the government are selected through free, fair, contested, and periodic elections in which virtually all the adult population has the right to vote. Before the 1970s, less than 40 countries met this minimal standard, and before 1945, the number was less than twenty. So, it seems that we are living now in an unprecedented, worldwide era of democracy.

The Czech Republic and other countries involved in the late-twentieth century movement toward democracy have proclaimed commitment to popular sovereignty--government by consent of the governed. The Constitution of the Czech Republic (16 December 1992) declares in Article 2, "The people shall be the source of all power in the state...."

If there would be government of the people, however, there must be education of the people about the principles, practices, skills, and dispositions of democratic citizenship. If not, democracy will fail because neither a democratic constitution nor democratic institutions of governance will work in the absence of widespread public knowledge

of democracy, commitment to it, and patterns of behavior that support it.

People are not born with the knowledge, skills, and habits necessary to make democracy work; rather they acquire this knowledge and capacity for democratic citizenship only through experience. And civic education in schools is the systematic arrangement of experience for the purpose of developing widespread capacity for democratic citizenship.

Good education for democratic citizenship, of course, includes teaching and learning about the principles of democracy, the constitution and government of one's country, and the rights and responsibilities of citizenship. It also involves development of certain skills of thinking, communicating, and participating in political and civic life. And it consists of particular civic dispositions--attitudes and habits that support the principles and practices of democracy, such as self-restraint, civility, compassion, tolerance, honesty, fairness, and, above all, respect for the worth and dignity of each person.

Good education for democratic citizenship also involves careful study of three universal problems of democracy, which must be confronted and managed if a thoroughly democratic political and social order would be maintained. These universal problems of democracy pertain to the United States of America as well as to the Czech Republic and to any other country that aspires to become and remain a democracy. These problems are 1) the problem of limits for majority rule, 2) the problem of limits for personal liberty and the power of government, and 3) the problem of limits for positive rights. What is each problem of democracy? Why is it significant for the education of citizens? And how should it be treated in education for democratic citizenship?

Problem 1: Limits for Majority Rule

The very essence of democracy is rule by the many. And education for democratic citizenship necessarily involves teaching and learning about majority rule--the making of binding decisions by combining the votes of more than one half of those persons eligible to participate. Article 6 of the Constitution of the Czech Republic recognizes this fundamental feature of democracy. It says, "Political decisions shall stem from the will of the majority, expressed by means of a free vote." So why should there be limits on majority rule, this essential element of democracy? And why is setting and maintaining such limits a universal problem of democracy?

Well, any source of political power, if unlimited or unchecked, may be used oppressively and unjustly. Power exercised by majority rule of the people is no exception to the general rule that absolute power inevitably threatens liberty and justice. Indeed, if absolute or unlimited power is given to the many, they are likely to oppress the few who differ from them. Likewise, history teaches us that if all power is given to a few or to one, there will be oppression of the many. So, good education for democratic citizenship teaches that unlimited majority rule in a democracy may be as dangerous and despotic as the unlimited or absolute power of an autocrat or dictator.

Article 6 of the Czech Constitution recognizes the problem of unlimited majority rule. It says, "The majority's decisions must heed the protection of the minorities." So, the Constitution of the Czech Republic conforms to the general understanding in today's world that constitutional democracy is majority rule with protection of minority rights, and unlimited majority rule is democratic despotism or tyranny of the majority.

Thomas Jefferson, the second President of the United States of America, eloquently expressed this basic principle of modern democracy in his First Inaugural Address (1801): "All...will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect and to violate would be oppression."

The possibility for democracy to degenerate into majority tyranny against unpopular minorities is always present. In every modern democracy, including the United States of America and the Czech Republic, there have been and are sad cases of majority tyranny against unpopular individuals or groups in the society. Education for democratic citizenship, therefore, must emphasize the principle of majority rule with protection of minority rights and teach honestly and forthrightly about violations of this principle in the past and present events of one's society. Further, there must be discussions and debates among students about constitutional limits on majority rule to protect minority rights. Students should examine cases of political behavior that raise such questions as when and under what circumstances should the power of majority rule in a democracy be limited? Why should this be done? And how can it be done effectively and justly? Through these classroom experiences, students will learn that a democratic constitution is the country's supreme law that limits majority rule for the purpose of protecting the rights of everyone under the government's authority.

Here is a criterion about majority rule with minority rights for the education of democratic citizens. The most certain test by which we judge whether or not a society is

truly democratic and free is whether or not minorities, including those most different or disliked by the majority, are secure in their enjoyment of human rights and democratic opportunities. This is a challenging criterion--one that no democratic country has met perfectly. It is, however, a worthy standard by which to direct and evaluate the behavior of democratic citizens and their institutions, and it should be part of good education for democratic citizenship wherever in the world it occurs.

Problem 2: Limits for Personal Liberty and the Power of Government

Effective limitation of majority rule to protect minority rights raises a second universal problem of democracy: How can both personal liberty and the power of government be limited to establish and maintain the kind of social and political order necessary to guarantee the rights of individuals? Consideration of this problem involves a generalization about liberty and order. Genuine personal liberty can exist only in a well-ordered community, which involves authoritative limits on freedom of expression to protect the common good and authoritative limits on the power of government to protect each person's right to liberty.

The right to personal liberty looms large in the principles and practices of modern democracies. According to the Preamble to the Constitution of the United States of America, a main purpose of government is to "secure the Blessings of Liberty." And the American Declaration of Independence proclaims, "That to secure these Rights [to life, liberty, and the pursuit of happiness], Governments are instituted among Men." The Constitution of the Czech Republic concurs with other constitutional democracies, past and present, in its recognition that personal liberty is a primary objective of government.

Article 1, says, "The Czech Republic shall be a sovereign, united and democratic law-governed state, based on respect for the rights and freedoms of man and of the citizen."

The right to personal liberty in a constitutional democracy, however, is not absolute. Unlimited freedom for one or some individuals would most likely result in the extensive restriction of freedom for everyone else. Social control and political order, based on the just exercise of authority, are necessary to the maximum security of freedom for all members of a society. Thus, every constitutional democracy continually confronts the problem of setting limits to the exercise of personal liberty and of balancing the power of government with the liberty of individuals in civic and political life.

A supreme test for any constitutional democracy is its capacity to both empower and limit the government in order to secure liberty for the society and its citizens. James Madison, the great American political thinker, eloquently defined this universal problem of democracy in *Federalist Paper 51:* "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed, and in the next place oblige it to control itself."

Madison recognized that one's right to personal liberty is at risk if the government has too much power or too little power. If the government's power is not limited sufficiently, then it can and probably will use this power to oppress certain individuals and deprive them unjustly of their right to personal liberty. So, there must be constitutional limits upon the power and authority of government, even a democratic government, in order to

secure the right to personal liberty for all members of the community. However, if the government is not empowered sufficiently by the people, then it cannot take action to protect individuals against predators who would, if they could, deprive others of their rights to liberty, property, and safety. So a good democratic government must be both limited and empowered by the people to secure the right to liberty for all persons under its authority, which is necessary for the common good of a community.

This second universal problem of democracy, about limits for both personal liberty and the power of government, must be part of education for democratic citizenship, because the life or death of a democratic political system depends upon an effective response to the problem. A government that fails to deal with the problem of setting limits for personal liberty and balancing personal freedom with institutionalized power and authority will not remain a constitutional democracy. Rather, it will either degenerate into some type of despotism or it will break apart into licentiousness and anarchy. Thus, participants in the political system must learn, through lessons in democratic citizenship, to recognize, analyze, and respond effectively to public issues about setting limits to the exercise of personal liberty and to the exercise of power through government.

Students should examine and discuss cases of political behavior that raise controversial questions about when and under what circumstances the government should or should not limit personal liberty. For example, should individuals be permitted to participate in political organizations that seek the violent overthrow of the government? Should individuals have freedom to express hatred toward persons or groups who are

different from them in their racial or ethnic origins or their religious beliefs? Should the government have power to compel public expressions of loyalty to the constitution and the state? When, if ever, should the police have power to enter and search a person's home or property? Such questions as these should continually be raised and discussed freely, openly, and robustly by students involved in education for democratic citizenship.

Problem 3: Limits for Positive Rights

Teaching and learning about human rights, such as the right to liberty, raises a third universal problem of democracy, limits for positive rights. Modern democratic constitutions tend to include two types of human rights: negative and positive rights. The rights to personal liberty, such as the exercise of freedom of speech, press, or assembly, are known as negative human rights, because the person's rights are guaranteed by limits on the power of government. The government is prevented from doing something to deprive the person of her or his rights. Another type of right, however, is known as positive because it involves the power of government to do something for the person to enable her or him in some way. So a negative right means that certain things ought not to be done by government to any human being under its authority. And a positive right means that the government ought to do certain things for every human being under its authority.

The negative claims on rights are exemplified by Articles 1-21 of the United Nations Universal Declaration of Human Rights. These Articles imply that no government or society should act against individuals in certain ways that would deprive them of inherent political or personal rights. The positive claims on rights are exemplified by

Articles 22-28 of the Universal Declaration of Human Rights. They imply that every government and society should act for the benefit of individual members to enable them to enjoy certain social and economic benefits or privileges pertaining to social security, employment, housing, education, health care, and general standard of living.

There is general, worldwide agreement among advocates of human rights that both types of rights, the negative and positive, must be included in a worthy and just constitutional government. However, there is worldwide conflict or disagreement about which type of rights is primary and most important in a constitutional democracy.

Advocates for the primacy and predominance of positive rights argue that "bread is more important than freedom of speech." They contend that the duties of government to provide social and economic welfare benefits for all the people require enhancement of public power and authority to enter and direct all areas of economic and social life to promote the common good.

By contrast, proponents of the negative rights tradition worry about the enormous increase of centralized government power required to provide positive rights through large-scale public programs. This could lead to a government so powerful, intrusive, and insufficiently limited that it could arbitrarily deprive particular persons (those out of favor with authorities) of their traditional personal, private, and political rights. Thus, they maintain that human rights generally depend upon the primacy of guaranteed negative rights. They assert this standard or criterion: a constitutional democracy that would only recognize negative rights is incomplete; one that would only or primarily recognize positive rights is impossible; that is, security for negative rights is an indispensable

condition of a genuine constitutional democracy. If an overemphasis on positive rights would so empower government as to put negative rights at risk, then the very existence of constitutional democracy, with its personal rights to liberty, is in jeopardy.

Education for democratic citizenship should include lessons that require students to examine and evaluate human rights claims on government, both negative and positive. And these lessons should involve analysis, appraisal, and decision making among students about alternative viewpoints concerning the primacy of negative or positive rights and the extent to which positive rights should be guaranteed by a constitutional democracy. Through these lessons students should comprehend that availability of resources may limit a government's capacity to guarantee positive rights. Further, they should realize that empowering a government beyond certain limits, even in the cause of positive rights for the common good, leads directly to the possibility of despotism or even totalitarianism.

Conclusion

In summary and conclusion, it is useful to reiterate the main point of this paper: good education for democratic citizenship, which would prepare students for effective and responsible participation in a constitutional democracy, must involve more than the transmission of civic knowledge, skills, and dispositions. It must also involve the analysis and appraisal of three universal problems of constitutional democracy: 1) the problem of limits for majority rule, 2) the problem of limits for personal liberty and the power of government, and 3) the problem of limits for positive rights. These three problems are generic to democracy wherever it is practiced--in the United States of

America, the Czech Republic, and elsewhere in the world--and citizens must manage these three problems effectively, if their democracy would survive.

The universal problems are never resolved once and for all; there is no comprehensive or universal solution to them. Rather, citizens respond to them on a case-by-case basis as the problems emerge particularly and variously in different times and places, and they manage them in various ways that fit their particular traditions and cultures. Thus, the three universal problems of democracy are both historical and everlastingly current in the different places where people attempt to establish and maintain democracy.

Through comparative analysis and appraisal of these three universal problems and various responses to them in various times and places, students will gain a deeper understanding of democracy, both its strengths and weaknesses, and its potential for success as well as failure. Through this kind of civic education, students may learn that constitutional democracy lives or dies in the minds and hearts of people. And they may learn that its success or failure depends ultimately on the knowledge, skills, habits and actions of committed citizens and the civic culture they create, and not merely on the cleverness or elegance of constitutional design or institutional structures.

If they experience good education for democratic citizenship, which includes at its core analysis and appraisal of the three universal problems of democracy, students will enhance their understanding of what democracy is, why it may succeed or fail, and why it is worthy. They may also enhance their capacities to develop and maintain the kind of civic culture that is indispensable to the survival of democracy.

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